

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV477-1-MU

LAWRENCE L. CRAWFORD, et al.,)
)
 Petitioners,)
)
 v.)
)
 STATE OF NEW JERSEY,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court upon Petitioners' Petition for a Writ of Habeas Corpus (Doc. No. 2), filed October 27, 2008; and Petitioners' Motion for Declaratory Judgment, Motion to Poll All Judges, Motion to File Objections; Motion for Removal, Motion Pursuant to Rule 60(b)(3)(b)(1) (Doc. No. 1), filed October 21, 2008.

Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires that a petitioner's petition must be accompanied by the applicable filing fee or a motion for leave to proceed in forma pauperis. A petition pursuant to 28 U.S.C. § 2241 also requires a five dollar filing fee. 28 U.S.C. § 1914. Petitioners have not paid the filing fee. Nor have Petitioners filed a Motion for In Forma Pauperis status. As such, the federal habeas petition is dismissed on that basis.

The Court also notes that because the Petitioners are incarcerated in South Carolina and appear to have been convicted in state court in South Carolina, the United States District Court for the Western District of North Carolina is not the proper court in which to file a federal habeas

petition.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's federal habeas petition is **DISMISSED without prejudice**; and
2. Petitioners' Motion for Declaratory Judgment, Motion to Poll All Judges, Motion to File Objections; Motion for Removal, Motion Pursuant to Rule 60(b)(3)(b)(1) are **DENIED** as moot.

Signed: October 31, 2008

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

